

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

MDL DOCKET NO. 2804

This document relates to: ALL CASES

Hon. Judge Dan A. Polster

**CO-LEAD CLASS COUNSEL'S REQUEST FOR CLARIFICATION OR
EXTENSION OF DEADLINE FOR FILING OF CLASS NOTICE REPORT**

Co-Lead Class Counsel Jayne Conroy and Christopher A. Seeger (collectively, "Class Counsel") respectfully request that the Court clarify, or in the alternative extend, the deadline for the filing of a report by Epiq Global.

In its September 11, 2019 Order certifying the Negotiation Class, the Court directed that Epiq Global file a report concerning the effectuation of the Class Notice program by December 1, 2019. ECF No. 2591 at 5 (¶ 11). Epiq Global is currently in the process of preparing its report. The deadline that the Court specified, however, falls on a Sunday.

Although Rule 6(a)(1) of the Federal Rules of Civil Procedure applies to deadlines stated in a period of days, courts have deemed it equally applicable to deadlines stated as a date certain or have exercised their discretion to extend a date-certain deadline accordingly. *E.g., Scanlon v. Greenberg Traurig, LLP*, 778 F. Supp. 2d 56, 58-59 (D.D.C. 2011) ("Rule 6(a) also can be used for the computation of time in the context of a specified date. Therefore, if the district court orders certain requests and motions to be filed by a specified date and the date is actually a Saturday, Sunday, or legal holiday, the court can extend the deadline to the next day that is not a weekend day or a legal holiday. This is consistent with the recognition that district courts should possess

broad discretion in managing their calendars.’ Here, because the specified date of filing fell on a Sunday, the Court will exercise its discretion and consider defendant’s motion timely”) (quoting treatise; internal citation omitted); *Gould v. Amerman*, No. 3:08-CV-2246-P, 2010 WL 11531127, at *1 n.1 (N.D. Tex. July 14, 2010) (“The Federal Rules of Civil [P]rocedure do not specifically address instances in which a deadline set by court order falls on a Saturday, Sunday, or Legal Holiday. . . . This Court however, believes that, unless explicitly stated otherwise, any deadlines set by court order which falls on a Saturday, Sunday, or Legal Holiday will be extended to the next day that is not a Saturday, Sunday, or Legal Holiday.”).

Nevertheless, rather than simply assume that the deadline rolls over to December 2, 2019 by operation of law, Class Counsel are making this motion out of an abundance of caution. They accordingly request that the Court clarify that the deadline was intended to be the next business day – *i.e.*, Monday, December 2, 2019. Alternatively, they request that the Court extend the deadline for the filing of the report to Monday, December 2, 2019.

Dated: November 27, 2019

Respectfully submitted,

/s/ Jayne Conroy
Jayne Conroy
SIMMONS HANLY CONROY LLC
112 Madison Avenue
New York, NY 10016
(212) 784-6401
jconroy@simmonsfirm.com

/s/ Christopher A. Seeger
Christopher A. Seeger
SEAGER WEISS LLP
55 Challenger Road, 6th Floor
Ridgefield Park, NJ 07660
(973) 639-9100
cseeger@seagerweiss.com

Co-Lead Class Counsel for the Negotiation Class

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 27, 2019, the foregoing was filed using the Court's CM/ECF filing system and will be served via the Court's CM/ECF filing system on all attorneys of record.

/s/ Christopher A. Seeger
Christopher A. Seeger